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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3685

NOTIFICATION DATE	DELIVERY MODE
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10/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/817,333	Applicant(s) PEARSON, SIANI LYNNE	
	Examiner CHARLES C. AGWUMEZIE	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgments

1. Applicant's amendment filed on June 17, 2008 is acknowledged. Accordingly claims 1-16 remain pending.

Change of Examiner

2. Applicant is hereby advised to address all correspondence relating to this application to Examiner Charles C.L. Agwumezie who is currently assigned to this case.

Response to Arguments

3. Applicant's arguments filed June 17, 2008 have been fully considered but they are not persuasive with respect to claims 1-9, and 14-16.

With respect to claim 1, Applicant argues that Chen does not teach "providing data about the first entity to the second entity where data is selectively withheld or generalized in response to the assessment of trust."

In response, Examiner respectfully disagrees and submits that Chen does disclose the claimed limitation. In Chen, the Broker withheld the true identity of the consumer, the sensitive financial data of the consumer and only the information necessary to carry out the transaction is shared with the vendor. Thus Chen does selectively withhold data as claimed.

4. Applicant further argues that Chen is not particularly relevant to claim 1 or the claims which depend therefrom.

In response to applicant's argument that Chen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Chen is concerned with a Broker acting on behalf of a first entity and determining the trustworthiness of the parties to a transaction.

5. Applicant further argues with respect to claim 14, that information about the first entity is selectively withheld or generalized in response to the assessment of the amount of trust attributed to the second data processor.”

In response, Examiner refers Applicant to the discussions in the preceding paragraphs.

6. With respect to claims 3-5, 7-8 and 10-13, Applicant argues that there does not appears any way in which the user data can be selectively passed to one insurance entity and not another based on an assessment of level of trust via-a-vis the insurance entity.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “the user data can be selectively passed to one insurance entity and not another based on an assessment of level of trust via-a-vis the insurance entity”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Applicant's arguments with respect to claims 10-13, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-13, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically it is unclear to one of ordinary skill in the art to understand how the "trusted computer determines interrogates the data processing environment and polices of the third party to determine how trustworthy the third party is." How does one determine the trustworthiness of itself?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1, 2 and 14-16**, are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al, US Patent 7096204 (hereinafter referred as Chen).

11. Regarding **claim 1**, Chen specifically discloses a method of conducting a transaction between a first entity and a second entity where as part of the transaction the second entity or an examination agent operating on behalf of the second entity requires information to assess a level of risk associated with transacting with the first entity, the method comprising the steps of:

a) a data processor acting on behalf of the first entity requesting a data processor acting on behalf of the second entity to provide data about itself; (abstract, figure 6, column 1 lines 42-68, claim 1)

b) the data processor (trusted computing platform [see abstract, column 1 lines 42-58]) acting on behalf of the first entity analysing the response and determining an assessment of trust of the data processor operating on behalf of the second entity; (figure 6, column 1 lines 42-68, column 9 50-65. claim 1)

c) defining a pseudonymous identity for the first entity; and (abstract, column 1 lines 42-68, claim 1)

d) providing data about the first entity to the second entity where data is selectively withheld or generalised in response to the assessment of trust (column 1 lines 42-column 2 line 10, column 2 lines 24-3', claim 1, claim 11).

12. With regards to **claim 2**, Chen discloses a method of conducting a transaction as claimed in claim 1, in which the method further comprises the step of entering into a contract for the transaction based on data provided about the first entity such that the

identity of the first entity remains unknown to the second entity (abstract, column 1 line 42-68. claim 1).

13. Regarding **claim 14**, Chen discusses an apparatus for conducting a transaction comprising a first data processor acting on behalf of a second entity, and where as part of the transaction the second entity or an examination agent operating on behalf of the second entity requires information to assess a level of risk associated with transacting with the first entity, wherein:

a) the first data processor requests the second data processor to provide information about itself and the policies of the second entity; (abstract, figure 6, column 1 lines 42-68, claim 1)

b) the first data processor analyses the response and assesses the amount of trust that should be attributed to the second data processor and/or the second entity (figure 6, column 1 lines 42-68, column 9 50-65. claim 1)

c) the first data processor defines a pseudonymous identity for the first entity; and (abstract, column 1 lines 42-68, claim 1)

d) the first data processor provides information about the first entity to the second data processor where information is associated with the pseudonymous identity and information is selectively withheld or generalised in response to the assessment of the amount of trust attributed to the second data processor (column 1 lines 42-column 2 line 10, column 2 lines 24-3', claim 1, claim 11).

14. With regards to **claim 15**, Chen clearly discloses an apparatus as claimed in claim 14, in which the first computer executes a policy agent which controls how information relating to the first entity is disclosed. (column 1 line 59 – column 2 line 10, column 2 lines 24-31).

15. Regarding **claim 16**, Chen discloses an apparatus as claimed in claim 14, in which the first computer has a trusted platform module which generates a user identity which can be used to confirm the identity of the first entity. (column 1 lines 42-58, claim 1).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 3-5, and 7-8**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to claims 1 and 2 above, and further in view of Maury et al, US PGPub 2002/004064 (hereinafter referred to as Maury).

18. Regarding **claim 3**, Chen discloses the method of claim 1, but does not discuss the additional limitation of the purchase of insurance or the evaluation of user data for the purposes of pricing an insurance policy. Maury discloses a method for selling

insurance products (abstract) which includes the step of sending user data to an evaluation server which places the user in a risk tier (abstract, figure 6, paragraph [0011]), then sending this information to a rating server which provides a policy "quote" (service price) for the user (figure 6, paragraph [0011]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the secure transaction process of Chen with the insurance service provider of Maury to offer a higher level of security to potential customers while ensuring that the potential customer is in possession of their identifying information.

19. With regards to **claim 4**, the method of claim 3 as discussed above further comprising the limitation of being able to correlate the pseudonymous identity with the first identity for the purposes of claim collection. Maury first discusses a client number which is given to the user at the time of quote generation and is then stored in a database alongside the user's personal data (abstract, [0012], claim 1). Additionally Maury discloses a number generated by the host application which is to be used by the customer to identify his or herself during calls to customer service representatives (fig 6, fig 7, [0038], [0040]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Chen with the numbering of Maury, because contacting a customer service representative is a necessary part of the insurance claim process, and providing a specific number to customers for reference, not only expedites the customer

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service process but provides an additional level of security for customer's personal information.

20. Regarding **claim 5**, Chen describes the method of claim 1 and also discusses the use of a trusted computing platform which can be demonstrated to be reliable, to the user (fig 1, column 2 lines 10-13). Maury discloses the generation of username and password for a customer (fig 9, [0010], [0044]) as well as the application module used for customer numbering system discussed in regards to claims 4 and 12 (fig 6, fig 7, [0038], [0040]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the two in order to provide a high level of security for customer personal information while maintaining a strong correlation between the user's identities for the insurer.

21. Regarding **claim 7**, Chen discloses the method of claim 1 but does not discuss a policy agent which interacts with an examination agent in order to negotiate a policy. Maury discusses an on-line interface which accepts user data and transmits this to a quotation tool which evaluates the data and helps the customer decide which insurance products best suit his or her needs (fig 3, [0009], [0011]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Chen with the insurance selection tool of Maury in order to increase the level of transaction security provided by the system.

22. With regards to **claim 8**, the method of claim 5 as discussed above further comprising the steps of authenticating between the policy agent and the examination agent, for the purposes of correlating user identities. Maury discloses the secure examination of communications between the web-application and the various servers (including database and rating server) user for examination ([0034]). The web-application also assigns an application number to the client for the purposes of correlating between username and true identity (fig 6, fig 7, [0038], [0040]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the two in order to improve the security of customer information during the transaction process.

23. **Claim 6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to claim 1 above, and further in view of Cammisch et al, US PGPub 2002/0103999 (hereinafter to as Cammisch).

24. Regarding **claim 6**, Chen discloses the method of claim 1, as well as disclosing a trusted computing platform (column 2 lines 10-12) but does not disclose the further limitation of an agent which defines how information about the user can be disclosed. Cammisch discloses a system in which user information is not disclosed except under certain circumstances ([0008], [0009], [0025]-0028]). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the invention to offer greater anonymity to the user while improving system security.

25. With regards to **claim 9**, Chen discloses the method of claim 1, but does not discuss the distribution of data based on user's security policy. Cammisch describes a system in which the user can choose which organization will receive different types of credentials from him or here ([0009]-[0010]). It would have been obvious to one of ordinary skill in the art at the time of invention because it would improve the level of user anonymity and overall information security.

26. **Claims 10-13**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen U.S. Patent No. 7,096,204 (hereinafter "Chen") in view of Maury et al, (hereinafter "Maury") US PGPub 2002/004064 and LaSalle et al U.S. Patent Application Publication No. 2006/0259320 A1 and further in view of Cammisch U.S. Patent Application Publication No. 2002/0103999.

27. Regarding **claim 10**, Chen discloses a method of conducting a transaction between a vendor and a buyer via a third party via a trusted computing platform (abstract, column 1 lines 42-58). Chen also discusses a data processor performing an analysis of trust on another entity (figure 6, column 1 lines 42-68, column 9 50-65. claim 1). Maury discloses the steps of an insurer making its conditions for insurance available to a user both by asking the user to enter personal information and providing insurance quotes back to the user , to which the user makes this information known by entering the data([0009]-[0011], [0024]-[0025]). The entered data is then analyzed by the insurance system to determine what the premium to be paid by the customer will be (abstract, figs 4, 6, 7, [0010] – [0011]). What is not disclosed by Chen and Maury are the limitations of making the insurance policy information available to a third party, validating that a policy has been issued, the policy agent's ability to determine and selectively adjust amount of information disclosure, and examining the trustworthiness of the third party. LaSalle describes the method in which the trustworthiness of a third party is established (see figs. 9-11). Cammisch discloses a method of anonymous credential verification. Using this method, Cammisch describes a scenario involving sale of insurance through the third party system, in which the insurance company requires verification of a driver's license certificate as a condition for obtaining insurance ([0024]-[0028]. Once the customer has purchased insurance, validation of this fact is done by a show of a credential by the customer to the potential vendor ([0026]-[0027]). Purchase of credentials is made by the customer through the third party, which negotiates the transmission of public/private keys between the two, informing the customer of what

information (credentials) the organization needs for verification and informs the organization that the customer has met requirements and a new credential should be issued to them ([0016]-[0018]). User information is not disclosed by the system except under certain circumstances ([0008], [0009], [0025]-[0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the third party transaction method of Chen, with the insurance purchasing method of Maury, the selective provisioning of user data of Tresser and the secure third party verification system of Cammisch in order to increase information integrity for the customer, as well as reducing risk of fraud for the insurance company which in turn will reduce costs.

28. Regarding **claim 11**, the method of claim 10 as discussed above further comprising the limitations of conducting the steps electronically to a trusted computing platform which creates a reusable identity for confirming the real identity of the user. Chen discloses an “Electronic Commerce System” (title) utilizing a trusted computing platform (abstract, column 1 lines 42-58, column 2 lines 10-13).). Maury discloses the generation of username and password for a customer (fig 9, [0010], [0044]) as well as the application module used for customer numbering system discussed in regards to claims 4 and 12 (fig 6, fig 7, [0038], [0040]). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the two in order to provide a high level of security for customer personal information while maintaining a strong correlation between the user’s identities for the insurer.

29. With regards to **claim 12**, the method of claim 10 as discussed above further comprising the limitation of being able to correlate the pseudonymous identity with the first identity for the purposes of claim collection. Maury first discusses a client number which is given to the user at the time of quote generation and is then stored in a database alongside the user's personal data (abstract, [0012], claim 1). Additionally Maury discloses a number generated by the host application which is to be used by the customer to identify his or herself during calls to customer service representatives (fig 6, fig 7, [0038], [0040]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Chen with the numbering of Maury, because contacting a customer service representative is a necessary part of the insurance claim process, and providing a specific number to customers for reference, not only expedites the customer service process but provides an additional level of security for customer's personal information.

30. Regarding **claim 13**, the method of claim 10 as discussed above comprising the further limitations of a pseudonymous identity which provides pseudonymous information to the insurer for use in identification validation. Maury discloses the generation of username and password for a customer (fig 9, [0010]). Additionally, Maury discusses a client number which is given to the user at the time of quote generation and is then stored in a database alongside the user's personal data (abstract, [0012], claim 1). There is also a number generated by the host application which is to be used by the customer to identify his or herself during calls to customer

service representatives (fig 6, fig 7, [0038], [0040]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the two in order to provide a high level of security for customer personal information while maintaining a strong correlation between the user's identities for the insurer.

31. Claim 17, is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to claims 1 above, and further in view of Labelle et al (hereinafter "Labelle") U.S. Patent No. 7,240,017 B2.

32. As per **claim 17**, Chen further discloses the method of conducting a transaction between a first entity and a second entity wherein the second entity comprises a selected one of a plurality of prospective second parties and wherein the data processor acting on behalf of the first entity requests one or more data processors acting on behalf of each of the prospective second party to provide data about itself (abstract, figure 6, column 1 lines 42-68, claim 1);

b) the data processor acting on behalf of the first entity analysing the responses and determining an assessment of trust of the data processor operating on behalf of each prospective second party (figure 6, column 1 lines 42-68, column 9 50-65. claim 1);

c) defining a pseudonymous identity for the first entity (abstract, column 1 lines 42-68, claim 1)); and

d) providing data about the first entity to a group of the prospective second parties where data is selectively withheld or generalised for each prospective second party in said group of prospective second parties in response to the assessment of trust

associated with each data processor operating on behalf each of said group of second parties (column 1 lines 42-column 2 line 10, column 2 lines 24-3', claim 1, claim 11).

What Chen does not explicitly disclose is:

providing data about first entity to a group of prospective second parties

Labelle discloses providing data to a group of prospective second parties (see fig. 1; "insurance companies" fig. 2, which discloses contract with insurance companies 204).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Chen and incorporate the method comprising , providing data about first entity to a group of prospective second parties in view of the teachings of Labelle since the claimed invention is merely a combination of old and known elements and in the combination each element merely would have performed the same function as it separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C.L. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

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/Charlie C Agwumezie/
Examiner, Art Unit 3685
September 24, 2008

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685